

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: REQUEST FOR REEXAMINATION OF U.S.
PATENT NO. 6,700,602



Patentee : Scott Blair

27299

PATENT TRADEMARK OFFICE

Patent No. : 6,700,602 – Issued 03/2/2004

CERTIFICATE OF ELECTRONIC
(EPS-WEB) TRANSMISSION

Appl. No. : 09/423,284

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United States on the local date shown below.

Filed : May 6, 1998

August 16, 2011

(Date)

For : SUBWAY TV MEDIA SYSTEM


Peter J. Gutierrez III, Reg. No. 56,732

Examiner : Chris Kelley

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STATEMENT IN SUPPORT OF REQUEST
FOR REEXAMINATION OF U.S. PATENT NO. 6,700,602

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Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

This is a request for ex parte reexamination of U.S. Patent No. 6,700,602. It is being accompanied by form SB57, form SB42 citing four (4) references, copies of the four (4) references and translations where necessary, a copy of the subject patent in double column format and the required fee.

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1. Identification of Requestor

Reexamination of U.S. Patent No. 6,700,602 (hereinafter "the '602 Patent"), is respectfully requested by Peter J. Gutierrez, (hereinafter "Requestor").

The Requestor submits that the enclosed prior art, identified on the attached SB42 form,
5 is pertinent and applicable to the '602 Patent.

2. Identification of Claims for Which Reexamination is Requested

In accordance with 37 C.F.R. § 1.510, reexamination of Claim 1 of the '602 Patent is requested by the Patent Owner in view of the following references, hereinafter collectively
10 referred to as "the New References", a copy of each of the following being attached to this Request.

- Japanese Publication of Unexamined Patent Application No. 61-272668 (hereinafter "D1");
- Japanese Patent Application Publication No. H2-223985 (hereinafter "D2");
- Japanese Published Unexamined Patent Application No. H04-160991 (hereinafter "D3"); and
- Japanese Patent Application No. S61-285490 (hereinafter "D4").

Reexamination of Claim 1 is requested in view of the New References.

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3. Statement of Each Substantial New Question of Patentability

A. A substantial new question of patentability as to Claim 1 is raised by the References

25 Claim 1 of the '602 Patent was granted in a Notice of Allowance on November 17, 2003. In the Notice of Allowance, the Office indicated that none of Gerke, Steventon, nor Williams (considered by the Office during prosecution of the '602 Patent) disclose the combination of:

30 *"a subway car for mass transportation including longitudinal opposed sidewalls, a ceiling adjoining the sidewalls, a video display system comprising a*

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5 *"a subway car for mass transportation including longitudinal opposed sidewalls, a ceiling adjoining the sidewalls, a video display system comprising a plurality of video display monitors each having a vide screen, and a video signal source unit operatively connected to said monitors, said monitors being spaced along the length of the car on opposed sides thereof, each of said monitor being mounted at the junction of the sidewall and ceiling, with the screen of the monitor substantially flushed with the adjacent wall surface structure of the car, and directed obliquely downwardly toward the car seats, so that each video screen is readily visible to passengers in the subway car."*

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Accordingly, the references of record do not teach or suggest such features, as recited in Claim 1.

15 In Patent Owner's Office Action response dated October 10, 2003, Patent Owner had asserted that: "*Williams is directed to a system that can be removed from a seat of an airplane This similarly applies to Steventon, since this reference relates to the mounting of monitors in the back of seats in an airplane.*" However, the New References show various video monitor systems that are used in applications, such as on train cars. These teachings provided by the New References were not present during the prior examination of the '602 Patent, and as such, these teachings are new.

20 In addition, in Patent Owner's Office Action response dated October 10, 2003, Patent Owner had argued in part that: "*Williams fails to overcome the recognized deficiencies of Gerke and Steventon because Williams does not disclose ... securing a monitor to the junction between the ceiling and an adjacent wall*". However, as will be discussed more fully below, D2 appears to teach "*information signal display devices*" mounted near the junction of the sidewall and 25 ceiling (see Figures 4 to 6 of D2). These teachings provided by the New References were not present during the prior examination of the '602 Patent, and as such, these teachings are new.

30 The Patent Owner believes that a reasonable Examiner would consider such teachings important in determining whether or not Claim 1 is patentable. For this reason, the combined teachings of the New References and the references of record raise a substantial new question of patentability with respect to at least independent Claim 1.

4. Detailed Explanation Under 37 C.F.R. § 1.510(b)

A. Claim 1 of U.S. Patent No. 6,700,602	The New References
1. A subway car for mass transportation including longitudinal opposed sidewalls, a ceiling adjoining the sidewalls,	D3 teaches a “ <i>car body</i> ” for “ <i>an electric train</i> ” that include longitudinally opposed sidewalls with a ceiling that adjoins the sidewalls. (page 738 and Fig. 2)
a video display system comprising a plurality of video display monitors each having a video screen, and	D1 teaches “ <i>information systems that can selectively display a variety of multifunctional information in stations, in between stations, or in train cars which are underway</i> ” (page 588). D1 also teaches multiple “ <i>Information communication display parts</i> ” (page 590 and FIG. 2).
a video signal source unit operatively connected to said monitors,	D1 teaches “ <i>A video switcher which is an image signal switching device; (2) An image memory; (3) A video disk device which facilitates selection and playback of the desired images by means of external signals via the controller; (4) A video tape recorder via the controller; (5) Videodisc players which are installed in stations or train cars.</i> ” (page 588).
said monitors being spaced along the length of the car on opposed sides thereof,	D2 appears to teach information signal display devices disposed on opposing sides of the train (Figures 4 to 6). D3 appears to teach “ <i>television receivers</i> ” spaced along the length of the “ <i>car body</i> ” (Fig. 2) D4 teaches “ <i>the display devices 21 to 2n are arranged on the walls flanking the aisles of each train or above the windows of the passenger seats</i> ” (page 621).
each of said monitor being mounted at the junction of the sidewall and ceiling,	D2 appears to teach “ <i>information signal display devices</i> ” mounted near the junction of the sidewall and ceiling (Figures 4 to 6)
with the screen of the monitor substantially flushed with the adjacent wall surface structure of the car, and	None of the References teaches or suggests the monitor being substantially flushed with the adjacent wall surface structure of the car.
directed obliquely downwardly toward the car	D2 appears to teach “ <i>information signal</i>

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seats, so that each video screen is readily visible to passengers in the subway car.	"display devices" that are downwardly directed. (Figures 4 to 7)
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5. Remarks

Despite the substantial new question of patentability ostensibly introduced by the teachings of the New References, Patent Owner still believes Claim 1 is patentable over the

5 New References (and the references of record) in that, *inter alia*, the New References fail to teach or suggest a "*subway car...with the screen of the monitor substantially flushed with the adjacent wall surface structure of the car*". As set forth in Patent Owner's Office Action response dated October 10, 2003, "*Gerke and Steventon fail to disclose a video monitor screen that is substantially flush with the adjacent wall.*"

10 Furthermore, Patent Owner had argued that Williams failed "*to overcome the recognized deficiencies of Gerke and Steventon because Williams does not disclose a video monitor screen that is substantially flush to the adjacent wall as asserted by the Examiner*". As noted above, the New References fail to address these deficiencies that were also present in the art of record, as discussed in Patent Owner's Office Action response dated October 10, 2003.

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6. Conclusion

Thus, for the reasons set forth above, at least one substantial new question of patentability has been raised with respect to Claim 1 of the '602 Patent based on the New References, which were not of record during the prosecution of the '602 Patent. However, based
20 on the reasons set forth above, it is believed that Claim 1 (and therefore its dependent claims) is/are patentable over both the New References and the art of record.

Accordingly, reexamination of Claim 1 of the '602 Patent, and the issuance of a certificate confirming patentability, is respectfully requested.

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If the Office has any questions or comments which may be resolved over the telephone, they are invited to call the undersigned at (858) 675-1670.

Respectfully submitted,

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GAZDZINSKI & ASSOCIATES, PC

10 Dated: August 16, 2011

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